

GP 3728
DK
6/Election
1-8-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hans Seiter

Appln. No. : 09/423,619

Filed : November 15, 1999

For : INNER SOLE FOR A SHOE



)
) Art Unit: 3728
)
) Ex: T. Arnold, III
)
)

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RESPONSE

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the election requirement of May 17, 2000, applicant provisionally elects Figures 6-12 for further prosecution at this time. Claims 26-30 are readable on the elected figures. This election is made with traversed.

As the examiner correctly noted, the appropriate rule to apply is PCT Rule 13.2. This rule is also applied during the international phase, and unity of invention was found to encompass all the claims, which are now claims 21-30.

Also as the examiner has noted, "a single general inventive concept" does exist. Whether or not the "concept" is patentable is not relevant to a decision on unity. If the concept exists then that, in and of itself, is sufficient to retain all claims in the application. Whether or not the "concept" is patentable will be tested by considering the claims against the prior art, not merely the concept.

The examiner is urged to proceed further by examining not only claims 26-30, but claims 21-25 as well.

The examiner's indication that the title is incorrect is noted. This title was drawn from the published PCT application. It is clearly incorrect. New declaration and small entity forms will be filed in due course.

Respectfully submitted,



Felix J. D'Amrosio
Reg. No. 25,721

June 16, 2000

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